

CALIFORNIA COURTS

THE JUDICIAL BRANCH OF CALIFORNIA

Jury Service Glossary

Please be aware that this glossary is updated on a regular basis, but may not encompass every single word you will encounter during your jury service. If you are ever unclear about the meaning of a particular word, term, phrase, or concept, you should speak with the judge or, if you have not yet been assigned to a given case, with court staff at the courthouse.

Admonishment: A statement made to the jury by the judge regarding their conduct as jurors. Admonishments usually tell jurors what they must do or not do and what their duties are.

Anonymous: When a person's identity is unknown or withheld from others' knowledge.

Ascertained: Determined, or proved to be true.

Bailiff / Deputy: A specially trained law enforcement officer who maintains courtroom order, as well as jury custody and safety. They are typically your main connection to the judge throughout the trial. Sometimes this person will be known as a *court attendant*.

Beyond a reasonable doubt: In a criminal case, the accused's guilt must be established "beyond a reasonable doubt." Proof beyond a reasonable doubt is proof that leaves you with an abiding conviction that the charge is true.

Burden of proof: This describes the amount of proof necessary to prove a case. Sometimes called the *degree of proof*. In a criminal case, the burden of proof must be beyond a reasonable doubt. In civil cases, the burden of proof is by a preponderance of the evidence. The judge will explain what these terms mean for a given case in the jury instructions.

California Labor Code: A collection of laws regarding the broad spectrum of activities concerning the relationship between employers and employees.

California Rules of Court: The rules that regulate the practices and procedures in state courts.

Challenges: When the lawyers or judge move to excuse a juror or jurors from a particular case for various reasons, as authorized by law. If a lawyer wishes to have a juror excused, he or she must use a "challenge" for that juror. Challenges, or reasons to dismiss a juror, are of two kinds:

a. **for cause** - The law states a number of reasons that jurors may be excused *for cause*. There is usually a specific reason that a person may not be part of a particular jury because it may appear that they simply cannot be a fair and impartial

juror for this case. For example, a juror who is related to or employed by one of the parties in the case may be excused for cause. There is no limit to the number of *for cause* challenges that may be used.

b. **peremptory** - Each side in a case has a certain number of challenges that can be used without giving a reason. These are called "peremptory" challenges. Each side may ask the judge to excuse particular jurors. If a juror is excused, this does not imply something bad and does not mean the juror is not competent. It frequently happens that a prospective juror will be excused in a certain case and accepted in a different one. The number of peremptory challenges each side may use is set by law.

Civil case/civil suit: A lawsuit between two or more individuals, businesses, corporations, or government entities, involved in a dispute. A civil case or suit is usually about awarding monetary damages or prohibiting a conduct.

Common law: The body of law derived from judicial decisions, rather than from constitutions or statutes. Often called *case law*.

Compulsory: Compelled; mandated by legal process or by statute.

Constitution: The fundamental law of our nation. It establishes the character and organization of America's sovereign power and the manner of its exercise. Also, the document contains the nation's guiding rules and principles, descriptions of the power of the federal government, and the essential rights of the people. California has a state Constitution as well.

Controversy: A disagreement or a dispute that requires a definitive determination of how the law applies to the facts that are asserted to be true.

Counsel: One or more lawyers who represent a person, organization, or entity.

Criminal prosecution/criminal case: A trial in which the state has charged someone with a crime. The state is often referred to as *The People*.

Defendant: In a criminal case, this is the person on trial because of a criminal charge. In a civil case, this can be a person, entity, or organization, and they are usually called the respondent.

Deliberations: The time when the jury meets to discuss the case in order to reach a verdict at the end of the trial. As a group, the jury thinks about and discusses the evidence, testimony, as well as the applicable law as explained by the judge.

Directed verdict: When a judge tells the jury what verdict to return. This occurs after evidence has been presented and if no issue of fact remains for the jury to determine. When a judge directs a specific verdict, the jury must return that verdict.

Disqualification: The condition of having been found unable to serve as a juror in a given case and/or any case.

Eligible/eligibility: To be allowed under the law to serve as a juror. Every person who is at least 18 years of age, a citizen of the United States, a resident of the respective county, able to understand the English language, not currently serving on any other jury, is not currently on parole, postrelease community supervision, felony probation, or mandated supervision for the conviction of a felony, is not currently required to register as a sex offender based on a felony conviction,

and not currently incarcerated in any prison or jail are eligible to serve as a juror. Eligibility to serve as a grand juror is slightly different. Please review our website for more information.

Evidence: Any type of proof that is legally presented during a trial. Evidence can be witness testimony, records, and/or exhibits. (See below.)

Exemptions/excuses/postponements: A set of reasons and criteria that can allow you to be exempt from jury service, be excused from serving in a particular case or a given time, as well as have your service rescheduled. By law, no one who meets the basic criteria is *automatically* exempted from service. The law does provide for hardship excuses. *Hardship* is defined by law and includes no reasonable transportation, excessive travel, extreme financial burden, undue risk to physical property, physical or mental impairment for those over age 70, deficiencies to public health and safety, or no available alternate care for a dependent. If you believe you fall into any of these categories, contact your local jury office. Postponement may be available if you have health problems, a vacation that has already been paid for, or other personal commitments that cannot be rescheduled at the time you are initially called. If you have already received one postponement during the past 12 months, you will probably have to come to court and speak to a judge to further delay your service.

Exhibit: A document or object produced and identified in court as evidence in a case. Each of these documents or objects is ordinarily given a letter or number in alphabetical or numerical sequence when it is offered as evidence to identify it.

Felon: A person convicted of a serious criminal offense punishable by imprisonment exceeding one year or the equivalent.

Foreperson: The juror charged with overseeing jury deliberations. (See *deliberations* above.) Often called the *presiding juror*. At the beginning of deliberations, the jury votes to select one of its members to be the foreperson. The jury foreperson's duty is to preside and see that discussion during deliberations is carried on in a free and orderly manner, that the case and issues are fully and freely discussed, and that every juror is given a chance to participate in the discussion. As the deliberations conclude, the foreperson counts the votes and completes and signs the verdict form.

Impartial: Without bias, prejudice, or other preconception. The members of a jury should have no opinion about or vested interest in a case at the start of the trial and should base its verdict only on competent legal evidence presented during the trial.

Implicit bias: Implicit bias refers to the attitudes, stereotypes, or preferences regarding race, ethnicity, age, appearance, gender, and sexual orientation held by everyone that affect our understanding, actions, and decisions in an unconscious manner. They may favor a group we identify with, but not always, and they may not match our stated beliefs.

Instructions: Guidance given by the judge at the beginning and end of a trial. The jury instructions explain the law in the case and guide the jurors when they look at the evidence. The law comes from many years of legislation and court case law, binding the parties in the case as well as the jurors.

Jury panel: A group of prospective qualified jurors who are sent to a courtroom for jury selection. There can be multiple panels sent to a given courtroom.

Jury pool: A group of prospective qualified jurors appearing for assignment to trial jury panels.

Jury summons: The papers sent to potential jurors that require their attendance in court for possible service on a jury. California courts summon jurors to the courthouse no more than once in any given 12-month period.

Jury selection: The process by which jurors for a particular trial are selected from the larger group of potential jurors summoned to the courthouse. The trial court judge sends a request to the jury assembly room for a panel of prospective qualified jurors to begin the jury selection process in their courtroom. Once the jurors arrive in the courtroom, the judge and lawyers ask the jurors questions for the purpose of determining whether jurors are free of bias, or prejudice, or anything that might interfere with their ability to be fair and impartial, as well as whether any individual would experience a hardship by serving as a juror in the case.

Litigants: Any person or persons, as well as group or groups, engaged in a lawsuit. Often referred to as the "parties" in a case.

One day/one trial: A system California courts adopted in which prospective jurors have to come to the court only once every 12 months. If you are not assigned to a courtroom for jury selection on the first day, then your term of service is complete. Alternatively, service can be completed by serving 1 day on call or 5 days on standby. If you serve on a jury, you will not be required to report for jury service for at least another 12 months.

Pending: In process or not yet decided.

Perjury: A false statement made willfully and knowingly while the speaker is under oath in a court proceeding.

Plaintiff: In a civil case, the person(s) or organization(s) suing someone else.

Polled/polling: Calling the names of the jurors and having them state what their final verdict is before it is recorded.

Postpone: To put off until later.

Postponement: Permission to put off serving as a juror until a later time. A postponement may be available if you have health problems, a paid vacation, or other personal commitments that cannot be rescheduled at the time you are initially called for jury service. See also *exemptions/excuses*.

Preponderance of the evidence: A greater weight of evidence, or evidence that is more credible and convincing. Refers to the amount of proof required to win in a civil case. It is that degree of proof that is more probable than not (lower standard than that required in criminal cases).

Presiding juror: The juror charged with overseeing jury deliberations. Often called the *foreperson*. (See above.)

Propound: To offer for discussion or consideration.

Prosecution/prosecutor: A prosecution is a criminal legal proceeding or action brought by the state (or "the People") against an individual or group. A prosecutor is the lawyer who represents the state and the people of California.

Prospective: Likely to come about, relating to or effective in the future.

Reimbursement: Specific payment after incurring out-of-pocket expenses.

Sequestration: A sequestered jury is usually housed together at night in a hotel and prohibited from contacting people outside the court. Sequestration is extremely rare, but when it occurs it is meant for jurors' protection. It may be used to keep jurors away from the media during a controversial trial where widespread news coverage could influence a juror's decision. In rare cases, there may be attempts to influence the jurors' deliberation through threats.

Source list: The list or lists from which citizens are selected to receive a jury summons in California. Potential jurors are selected randomly from the voter registration list and the Department of Motor Vehicles' lists of drivers and identification card holders. Other lists may sometimes be used to supplement these, such as utilities lists, Franchise Tax Board filings, and EDD records.

Subpoena: A subpoena is an official order to attend court at a stated time. The most common use of the subpoena is to summon witnesses to court for the purpose of testifying in a trial.

Testimony: Evidence given by a witness under oath. (See *evidence* above and *witness* below.)

Unable to serve: When you are unable to serve on a jury. If you have health problems, a paid vacation, or other personal commitments that cannot be rescheduled at the time you are initially called, a postponement may be available. If you have already received one postponement during the past 12 months, you will probably have to come to court and speak to a judge to further delay your service.

Unanimous: When the full jury in a criminal case or three-quarters of the jury in a civil case have agreed upon a verdict.

Verdict: The formal decision or finding made by a jury, which has been impaneled and sworn for the trial of a case, and reported to the court. Once the verdict has been reached, the jury is brought back into the courtroom. The verdict must be in writing, signed by the foreperson or presiding juror, and must be read to the jury by the court clerk or the judge.

Voir dire: From old French, the legal phrase means *to speak the truth* or *to see them say*. Voir dire is the preliminary examination of a prospective juror by a judge or lawyer in the case to decide whether that person can serve on the jury.

Witness: Someone who can give a firsthand account of something seen, heard, or experienced.